

12-R-085

CP-12-03 (B)

**RESOLUTION AMENDING THE 2026 CHESAPEAKE COMPREHENSIVE PLAN TO REVISE THE CASH PROFFER POLICY BASED ON THE FINAL REPORT OF THE PROFFER POLICY REVIEW COMMITTEE, AS AMENDED BY THE CITY COUNCIL, TO INCREASE CREDITS FOR NON-CASH PROFFERS; TO AUTHORIZE THE USE OF CASH PROFFERS FOR CAPITAL IMPROVEMENT PROJECTS INVOLVING MAJOR REPAIRS, RENOVATIONS AND MAINTENANCE NECESSARY TO PRESERVE FUNCTIONALITY OF IMPACTED PUBLIC FACILITIES; TO AUTHORIZE THE USE OF CASH PROFFERS FOR PAYMENT OF DEBT SERVICE FOR QUALIFYING CAPITAL IMPROVEMENT PROJECTS; TO PROVIDE FOR REASONABLE MAXIMUM ANTICIPATED CASH PROFFER AMOUNTS; TO PROVIDE A LIST OF MITIGATING CIRCUMSTANCES TO CASH PROFFER EXPECTATIONS; AND TO PERMIT THE USE OF TRANSPORTATION FACILITY CASH PROFFERS FOR NON-VEHICULAR IMPROVEMENTS UNDER CERTAIN STATED CONDITIONS.**

WHEREAS, the 2026 Chesapeake Comprehensive Plan ("Comprehensive Plan") includes a Proffer Policy, which provides guidelines for the acceptance of cash proffers voluntarily offered by residential conditional rezoning applicants; and

WHEREAS, the City Council appointed a committee, known as the Proffer Policy Review Committee, to revisit the Proffer Policy in light of current economic conditions and the resulting decline in residential development and City-wide growth rates; and

WHEREAS, the Proffer Policy Review Committee met on several occasions and issued a final report on April 16, 2012, which contained several recommendations for changes in the Proffer Policy; and

WHEREAS, on May 22, 2012, the City Council adopted a resolution to initiate amendments to the Comprehensive Plan to the Proffer Policy based on the recommendation by the Proffer Policy Review Committee and any necessary or correlating amendments to the Planning and Land Use Policies ("Level of Service Policy"); and

WHEREAS, the Proffer Policy Review Committee met subsequent to the issuance of the final report and issued a Supplemental Report dated June 8, 2012; and

WHEREAS the Chesapeake Planning Commission reviewed proposed changes to the Proffer Policy and provided advisory recommendations to the City Council; and

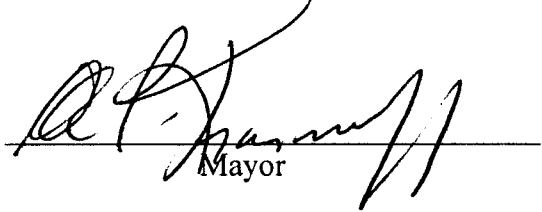
WHEREAS, on the basis of the final report of the Proffer Policy Review Committee, dated April 16, 2012, the City Council determined that certain revisions should be made to the Proffer Policy, as reflected in the motion approved by the City Council on November 13, 2012.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Chesapeake, Virginia that the Proffer Policy of the 2026 Comprehensive Plan be, and is hereby, amended as provided in the attached policy document to increase credits for non-cash proffers; to authorize the use of cash proffers for capital improvement projects involving major repairs, renovations and maintenance necessary to preserve functionality of impacted public facilities; to authorize the use of cash proffers for payment of debt service for qualifying capital improvement projects; to provide for reasonable maximum anticipated cash proffer amounts; to provide a list of mitigating circumstances to cash proffer expectations; and to permit the use of transportation facility cash proffers for non-vehicular improvements under certain stated conditions.

BE IT FURTHER RESOLVED by the Council of the City of Chesapeake, Virginia, that the amendments to the Proffer Policy contained in the attached policy document are hereby adopted as part of the Comprehensive Plan and shall become effective immediately.

ADOPTED by the Council of the City of Chesapeake, Virginia on this 13<sup>th</sup> day of  
November, 2012.

APPROVED:

  
Mayor

ATTEST:

  
Clerk of the Council

**CHESAPEAKE COMPREHENSIVE PLAN  
REZONING PROFFER POLICY FOR PUBLIC SCHOOLS,  
~~ROADS,~~ TRANSPORTATION FACILITIES, LIBRARIES AND EMERGENCY  
SERVICE FACILITIES**

As amended by the Chesapeake City Council on November 13, 2012

**A. Application and Effect**

1. This Proffer Policy, and all amendments hereto, shall become effective immediately upon adoption by City Council and shall apply to all pending and future rezoning applications for residential use of land, with the exception that cash proffers for public school improvements are not anticipated for rezonings exclusively for group housing for the elderly and proffered housing for older persons where the rezoning will not generate any school-aged children. In all other cases, however, this Proffer Policy will apply without limitation to conventional and conditional rezonings and modifications to Planned Unit Developments that i) allow dwelling units where none are permitted under current zoning; ii) increase the number of dwelling units above the number permitted under current zoning; iii) increase residential density above the density permitted under current zoning; iv) add land to the residential component of land use classifications; v) change the type of housing (e.g., single-family to condominium) permitted under current zoning; or vi) change the timing or phasing of the residential development by proffer.
2. This Proffer Policy shall be construed and applied in accordance with governing state and local law. In addition, this Proffer Policy shall be

applied in a fair, uniform and reasonable manner to meet the governmental objective of mitigating the impact of residential development on public schools, ~~roads~~, transportation improvements, libraries and emergency service (fire and medical) facilities. Among the primary purposes of this Policy is to ensure quality education, safe and convenient transportation, adequate libraries, and responsive emergency services, all for the benefit of the citizens of Chesapeake.

3. This Proffer Policy shall be applied in harmony with other components of the Comprehensive Plan, including without limitation, the Planning and Land Use Policies. In no event shall cash proffers made pursuant to this Proffer Policy change the recommendation of the Planning Department for denial of a rezoning under the Level of Service tests where any public school serving the property has an enrollment exceeding 120% of rated capacity.
4. This Proffer Policy shall not be deemed binding on City Council but rather, as with other components of the Comprehensive Plan, shall be used as a guide in evaluating the merits of a proposed rezoning. Consideration of this Proffer Policy shall be in addition to all other relevant land use factors set out in Section 15.2-2280 et seq. of the Code of Virginia and Article 16 of the Chesapeake Zoning Ordinance. No decision rendered on a rezoning application involving proffers for dedication of property, monetary contributions, or improvements to public infrastructure shall be made solely on the adequacy of voluntary contributions under this Proffer

Policy or otherwise. Any denial of a rezoning application is a legislative action which shall carry a presumption of validity and an inherent finding that the existing zoning of the property in question is reasonable.

**B. General Guiding Principles**

1. The adoption and implementation of this Proffer Policy is based on findings by City Council that revenues derived from residential development (e.g., residential real estate tax, recordation taxes, fees and associated revenue sources) typically are not sufficient to fund the capital impact of such developments on public facilities.
2. Cash proffers shall be voluntary and consistent with the Comprehensive Plan. Unless otherwise specified herein, the voluntary proffer amount shall be used for one or more of the following purposes:
  - i) land acquisition,
  - ii) construction or expansion of public facilities, and
  - iii) purchase of capital assets improvements,
  - iv) major repairs and renovations of public facilities, including upgrades in technology,
  - v) maintenance, other than routine maintenance, necessary to preserve the functionality of public facilities, and
  - vi) payment of debt service incurred in the financing of i) – v) above.

In no event shall proffers be expended on any project unless included in a capital improvement program approved by the City (or be of a nature not normally included in a capital improvement

program). For purposes of this Proffer Policy, the capital improvement program shall include funded and unfunded projects listed in the City's approved capital improvement budget. In addition, cash proffers shall only be expended on public facilities and capital assets impacted by the rezoning. Beginning in the fiscal year 2007, the City shall include in its capital improvement plan the amount of cash payments received during the most recent fiscal year in which cash contributions were made and shall include in its annual capital budget the amount of cash proffers projected to be used or appropriated for capital improvements in the ensuing fiscal year, as required by Section 15.2-2303.2(B) of the Code of Virginia.

3. In all cases, there must be a reasonable relationship between the rezoning and the need for the proffer. Thus, in order to ensure that cash proffers are used to fund public facilities necessitated or impacted by the proposed development, service districts shall be established for public schools and public ~~roads~~ transportation improvements. Proffers collected for schools and ~~road-transportation~~ transportation improvements shall be used to improve and benefit the service district(s) impacted by the proposed rezoning, as set out below in greater detail. Proffers collected for libraries and emergency service facilities will be applied on a city-wide basis due to general public usage of such facilities.
4. The City Manager is directed to review the service districts for public

schools and ~~roads on an annual basis~~ transportation improvements no less than once every two years to ensure that the public facilities located in the service district are being directly impacted by the residential development of land also located in the service district. The City Manager is further directed to make changes to the service districts for public schools as necessary to reflect changes in school planning areas, or attendance zones, approved by the Chesapeake School Board. The City Manager shall also make changes to the service districts for ~~roads~~ transportation improvements as necessary to achieve a reasonable relationship between proposed ~~road~~ transportation improvements and the impact of rezonings, based on written recommendations by the Director of Public Works.

5. The ~~methodology for determining the~~ maximum cash proffers anticipated for public schools, roads, libraries and emergency service facilities are set out in Exhibits A-D, attached hereto and incorporated herein. In addition to the voluntarily offering of maximum amounts, cash proffers may, but are not required to, identify an appropriate inflation index, not to exceed the annual limits imposed by Section 15.2-2303.3 of the Code of Virginia.
6. If at any time the annual growth rate of the City is 2% or greater, the City Council may initiate a review of this Proffer Policy to determine whether the anticipated maximum cash proffer amounts are sufficient in light of the increase in population. ~~Adjustments in the amount of maximum cash proffers anticipated under this Proffer Policy shall be considered for recommendation to City Council at least once every fiscal year. To this~~



~~end, annual reports shall be prepared by the School Superintendent, the Director of Public Works, the Director of Libraries and the Fire Chief, or their designees, as to whether the maximum cash proffer amount anticipated under this Proffer Policy for their respective departments should be increased. These annual departmental reports shall be submitted to the Planning Department, which in turn, shall prepare a comprehensive report to City Council. Each departmental report shall recalculate net costs and impacts as necessary to reflect current methodologies and current service districts and shall recommend adjustments where circumstances warrant. Based on the information provided and the recommendations of staff, the City Council may make adjustments to anticipated maximum cash proffer amounts by amendment of this Proffer Policy.~~

7. In acting upon rezoning applications, City Council may consider any unique mitigating circumstance of the rezoning request that: (i) mitigates reduces the development's projected impact on public schools, roads, transportation improvements, libraries and emergency service facilities; (ii) creates a demonstrable reduction in capital facility needs; or (iii) serves an essential public purpose. Unique Mitigating circumstances may include, but are not limited to, one or more of the following conditions existing at the time the rezoning application is to be considered by City Council:

- i) location of the property in an area in which the development

thresholds under the Planning and Land Use (Level of Service)

Policy are deemed adequate;

- ii) location of the property in a revitalization district or in an economically stressed area that will benefit by an increase in population;
- iii) mixed-use projects that will generate a positive fiscal impact using the City's fiscal impact analysis model;
- iv) affordable housing projects; ;
- v) proffered physical improvements; ; and
- vi) proffered restrictions on the type, timing or extent of development.

Either City staff or the applicant may identify unique mitigating circumstances and present them to City Council for consideration.

8. ~~It is hereby determined by City Council that unique and exigent financial circumstances exist due to the struggling economy and, in particular, the downturn in the housing industry. Therefore, beginning on July 1, 2010, the maximum amount of cash proffers to be anticipated by City Council under this Policy for schools, roads, libraries and emergency services shall be reduced from the current amounts (based on 2005 capital costs) by twenty-five percent (25%). This reduction shall continue until such time that the City Council determines, in its sole discretion, that the housing industry has changed and that the maximum anticipated proffer amount should be increased or decreased accordingly.~~

9. Nothing herein shall preclude an applicant from voluntarily offering

additional cash proffers beyond the maximum contributions anticipated under this Proffer Policy for impacted public schools, ~~roads~~ transportation improvements, libraries and emergency service facilities or for other impacts not considered in the maximum proffer amounts.

~~10. 2~~ Nothing herein shall preclude a rezoning applicant from seeking to diminish or mitigate the development's impact on public schools, ~~roads~~ transportation improvements, libraries or emergency service facilities by dedicating real property or performing in kind improvements in addition to, or in lieu of all or a portion of the anticipated maximum cash proffer. Acceptance of such dedication or in kind improvement shall lie solely in the discretion of City Council. In the event City Council elects to give credit toward the anticipated maximum cash proffer amount, the following guidelines will apply:

~~a~~ i) Any and all land to be conveyed to the City or the School Board for public use shall first be tested to ensure that the land is usable and free of environmental concerns. This requirement may be modified or waived by the Director of the Department of Public Works or designee for land dedicated exclusively for public ~~roads~~ transportation improvements.

~~b~~ ii) Any and all land to be conveyed to the City or the School Board must first be deemed by the City Council as suitable in location, size, and configuration, and fit for its intended use. In the case of property for public schools, the School Board shall provide

comments regarding the suitability of the proposed site to City Council prior to final action on the rezoning.

- e iii) No credit shall be given for land dedications, construction and/or improvements required by the City Code, the Public Facilities Manual or any state, federal or local laws.
- d iv) If accepted by City Council, real property shall be dedicated to the City or its designee (e.g. School Board) by a deed referencing a recorded subdivision plat. The dedication shall be made prior to, or simultaneously with, approval of the final site plan or recordation of a final subdivision plat for any portion of the proposed development.
- e v) For purposes of assigning credit, the value of donated land will be calculated using the current assessed value of the raw land ~~property at the time of the rezoning (not the estimated value after the rezoning), and in the case of schools and libraries, the value shall not exceed the cost per acre used in calculating the anticipated maximum proffer amount.~~
- f vi) Credit for improvements constructed or donated in lieu of cash proffers shall be the estimated cost as if constructed or purchased by the City or in the case of schools, by the School Board.
- g vii) Proffers for construction of facilities or purchase of ~~improvements~~ capital assets shall include a deadline for completion of the improvements and shall also provide that design and construction

shall be in accordance with specifications imposed by the City or  
in the case of schools, by the School Board.

h viii) In the event City Council determines that a proffered dedication of  
land or in kind improvement fails to meet the development's  
calculated impact on public schools, libraries, ~~roads~~ transportation  
improvements or emergency service facilities, the value of such  
land and/or public improvements may be applied as a credit against  
the development's calculated impact on the particular type of  
public facility for which the credit is sought. In no case shall the  
credit given exceed the development's calculated impact on the  
selected public facility.

**C. Voluntary Cash Proffers for Public Schools**

1. Maximum cash proffers as set out in Exhibit A, attached hereto and  
incorporated herein, may be anticipated and accepted to mitigate the  
impact of residential rezonings on public schools. ~~In order to ensure that  
financial contributions proffered by an applicant are used to fund the  
facilities necessitated or impacted by the proposed development, the  
Schools Administration shall establish service districts on the basis of  
planning areas corresponding to the attendance zones of the middle  
schools and associated high schools. Each middle school planning area or  
attendance zone shall be considered a service area or service district under  
this Proffer Policy. The initial school service districts are listed on Exhibit  
"A" attached hereto. These service districts shall be revised by the City~~

~~Manager or designee from time to time as necessary to reflect changes in the school attendance zones approved by the Chesapeake School Board.~~

2. In clarification of the requisite demonstration of a reasonable relationship between the rezoning and the need for the proffer, the amount proffered and collected shall be used for one or more of the following school improvement purposes:
  - (a i) Expansion of classroom space in one or more of the public schools to be attended by the students generated by the rezoning.  
  
Additional classroom space may be created by land acquisition construction of a new school, or expansion of an existing school in the impacted school planning district.
  - (b ii) Expansion of classroom space through construction of a new public school or additions to existing public schools in another school planning district, provided that the improvement reduces enrollment in one or more overcrowded public schools to be attended by the students generated by the rezoning. As used in this provision, "overcrowded public schools" shall mean only those schools having an enrollment at the beginning of the school year over 100% of rated capacity. The reduced enrollment must be provided by approved reassignment (rezoning) of students in the impacted school planning district to the new or expanded public school.
  - (c iii) Capital improvement projects involving maintenance, major

repairs, or renovation of public schools located in the school planning district in which the rezoning occurred, ~~but only if a cash proffer, or portion thereof, is not expended or anticipated for expenditure in accordance with subsection (a) or (b) above, within the seven (7) year time period specified in Section 15.2-2303.2(A) of the Code of Virginia.~~ As used herein, the term “maintenance” shall not include routine maintenance but shall refer only to those projects which have been approved as part of the capital improvement plan and which are necessary to preserve the functionality of a public facility impacted by the rezoning. The term “renovation” may include capital improvement expenditures for technology upgrades.

iv) Construction or expansion of public schools that will serve students on a city-wide basis.

v) Payment of debt service for one or more of the capital improvement projects described in i) – iv) above.

3. ~~Rezoning requests will be analyzed on a city-wide basis to determine the total number of pupils to be generated by the residential rezoning. The total number of pupils will be calculated on the basis of housing types, e.g., single family detached, single family attached (townhouses and duplexes), and multi-family (apartments and condominiums).~~
4. ~~In calculating the maximum amount of the cash proffer that may be anticipated 1) calculate the total number of pupils to be generated by the~~

~~development as provided above; 2) multiply the total number of pupils to be generated by the development times the overall adjusted capital needs costs per pupil to determine total costs; and 3) calculate the cost per dwelling unit by dividing the total capital needs cost (for all pupils to be generated by the proposed development) by the estimated or proffered number of housing units.~~

4. ~~The maximum cash proffer amounts that the City Council will currently accept from residential rezoning applicants per school service district is set out in Exhibit "A" attached hereto and incorporated herein, said proffer amounts to be reduced by a factor of twenty-five percent (25%).~~

**D. Voluntary Cash Proffers for Public Roads Transportation Improvements.**

1. ~~Maximum cash proffers, as set out in Exhibit A may be anticipated and accepted to mitigate the impact of residential rezonings on public roads transportation improvements. In order to ensure that financial contributions proffered by an applicant are used to fund the roads necessitated or impacted by the proposed development, the Department of Public Works shall establish service districts on the basis of anticipated traffic generation within specified traffic sheds. These traffic sheds shall be established based on identified future road transportation improvements for roads operating at a level of service greater than "E" or "F", as determined using the 2003 LOS study (2021 Projections) with adjustments on the basis of the 2050 Master Transportation Plan and the current regional Long Range Plan. Traffic sheds shall not be based on road~~



~~projects needed to address current capacity deficiencies of roads operating at level of service of "E" or "F". In addition, traffic sheds shall not be based on projects fully funded in the Virginia Department of Transportation six-year plan; major bridge projects; new roads through the property to be developed; or road projects eliminated from the 2021 and 2026 regional Long Range Plan.~~

2. ~~Each identified traffic shed shall be considered a service area under this Proffer Policy. The initial service districts are listed and mapped on Exhibit "B" attached hereto and incorporated herein. These service districts may be revised by the City Manager or designee from time to time to address new transportation systems, road improvements, signalization, up-to-date traffic counts and other conditions that warrant a change in traffic sheds, as recommended in writing by the Director of Public Works or designee.~~
- 3.2. In clarification of the requisite demonstration of a reasonable relationship between a rezoning and the need for the voluntary road proffer for transportation improvements, the amount proffered and collected shall be used for road transportation improvements within the impacted traffic shed identified by the Department of Public Works. Road Transportation improvements shall consist of right-of-way acquisition, ~~design, project management~~ and road construction for arterial and collector streets ~~only~~, including but not limited to, related improvements such as paving, marking, curb and gutter, traffic control devices, roadway drainage

systems, ditch and shoulder improvements, and installation of turn lanes, acceleration lanes and deceleration lanes. The amount proffered and collected may also be used to fund or partially fund non-vehicular transportation improvements such as sidewalks, multi-use trails and mass transit facilities. For traffic sheds established on the basis of more than one road project transportation improvement project, the Director of Public Works may give first priority to improving the most congested corridors through intersection improvements and road street widening.

4. ~~Rezoning requests will be analyzed by identifying the traffic shed that will be impacted by the majority of vehicular traffic generated by the proposed development. Once the impacted traffic shed is identified, the Department of Public Works shall assess the costs of all needed public road projects in the traffic shed. The total amount of road project costs shall be divided by the estimated number of vehicle trips per day (vpd) on the road segments to be improved to determine the fiscal impact per vehicle trip (per vehicle cost). Trip generation shall be estimated on the basis of the Institute of Transportation Engineers (ITE) Trip Generation Manual. Using this manual, the Department of Public Works will then estimate the total number of vpd for the proposed development based on maximum densities or intensity of use under the proposed zoning. This figure shall be multiplied by the per vehicle costs to determine the maximum amount of anticipated cash proffer.~~
5. ~~The maximum cash proffer that the City Council may currently anticipate~~

~~from residential rezoning applicants per traffic shed/service district is set out in Exhibit "B" attached hereto and incorporated herein, said proffer amount to be reduced by a factor of twenty-five percent (25%).~~

**E. Voluntary Cash Proffers for Public Libraries:**

1. Maximum cash proffers, as set out in Exhibit A, may be anticipated and accepted to mitigate the impact of residential rezonings on public libraries. ~~In order to ensure that financial contributions proffered by an applicant are used to fund the facilities necessitated or impacted by the proposed development, the Department of Libraries shall establish a City-wide proffer amount based on the cost of providing a fully equipped and outfitted library approximately 17,000 square feet in area. An assumption of usage by 20,000 residents shall be used in calculating the cost per user. Once the cost per user is determined, the cost shall be multiplied by the number of residents to be generated by the rezoning.~~
2. In clarification of the requisite demonstration of a reasonable relationship between the rezoning and the need for the proffer, the amount proffered and collected shall be used for land acquisition, construction of new libraries or expansion of existing libraries, or for the acquisition of capital assets essential to the operation of public libraries throughout the City. Capital assets shall be determined on the basis of City policy and must be included in the capital improvement program. Cash proffers may also be used for major repairs, renovation and maintenance of public library facilities, provided that any such project is an approved capital

improvement project and further provided that any maintenance shall be other than routine maintenance and shall be necessary to preserve the functionality of the public facility.

3. ~~The maximum cash proffer that the City Council will currently anticipate from residential rezoning applicants based on estimated impact by each resident to be generated by the rezoning is set out in Exhibit "C" attached hereto and incorporated herein, said proffer amount to be reduced by a factor of twenty-five percent (25%).~~

**F. Voluntary Cash Proffers for Emergency Service Facilities:**

1. Maximum cash proffers, as set out in Exhibit A, may be anticipated and accepted to mitigate the impact of residential rezonings on public emergency service facilities, which shall include facilities capital improvements used in connection with fire prevention and fire suppression services and in connection with emergency medical response services. The amount of the maximum cash proffer, as set out in Exhibit A, ~~shall be is~~ determined ~~on the basis of City-wide averages for i) housing for older persons ("senior housing"), and ii) all other residential rezonings. Studies show, and the City Council hereby finds, that senior housing units typically have a greater impact on emergency service facilities due to greater demand and usage. Currently, senior housing generates approximately thirty-nine (39) incidents per 100 residents annually, while other housing types generate approximately eight (8) incidents per 100 residents annually.~~

2. ~~Based on City wide averages, the Fire Department expends approximately 78% of its capital resources on service to residential occupancies (\$47,092,500.00). Approximately, 2.59% of this amount is expended on senior housing residents (\$1,219,696.00). The remaining 97.41 % is expended on the general housing population (\$45,872,804.00).~~
3. ~~In order to calculate the anticipated maximum proffer for senior housing, the total amount expended (\$1,219,696.00) shall be divided by the average number of occupants using capital resources (1,228) to arrive at a cost per senior resident. This cost shall represent the maximum proffer amount for senior housing, as more particularly set out in Exhibit "D" attached hereto and incorporated herein.~~
4. ~~In order to calculate the anticipated maximum proffer for general housing, the total amount expended (\$45,872,804.00) shall be divided by the average number of residents using capital resources (213,531) to arrive at a cost per resident of housing not restricted by age. This cost shall represent the maximum proffer amount for general housing, as more particularly set out in Exhibit "D" attached hereto and incorporated herein, said proffer amount to be reduced by a factor of twenty five percent (25%).~~
5. Cash proffers voluntarily offered and accepted by the City for emergency service facilities may be used for capital improvement projects throughout the City for i) real estate acquisition, ii) construction or expansion of buildings and structures, iii) major repairs and renovations of public

facilities, iv) maintenance, other than routine maintenance, of public facilities necessary to preserve the functionality of the public facility, or v) purchase of capital assets improvements used to serve City residents in emergency circumstances, and vi) payment of debt service incurred in financing any of the capital improvements projects listed in i) through v) above.

**G. Collection, Expenditure and Enforcement:**

1. For cash proffers made and accepted prior to July 1, 2005, payment shall be made prior to final site plan or final subdivision plan approval for the rezoned property. Where a final site plan or final subdivision plan depicts only a portion of the proposed residential development, the amount due and payable prior to approval shall be calculated on the number of lots or residential dwelling units depicted on the site plan. For cash proffers made and accepted on or after July 1, 2005, payment prior to final site plan or subdivision plan approval is preferred and encouraged; however, in accordance with Section 15.2-2303.3 of the Code of Virginia, payment shall not be made any later than prior to the issuance of a building permit for construction on the rezoned property. Notwithstanding the foregoing, for the period of July 1, 2010 through December 31, 2014, any cash proffers offered or accepted on a per-dwelling unit basis shall be collected or accepted only after completion of the final inspection and prior to the time of the issuance of any certificate of occupancy for the residential dwelling unit for which the cash proffer was made. Beginning January 1,

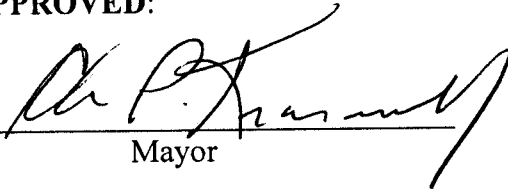
2015, cash proffers shall be collected no later than the issuance of a building permit; however, in cases where a building permit has been issued before January 1, 2015, the cash proffer will be collected prior to the issuance of the certificate of occupancy.

2. All cash proffers collected by the City shall be placed in specified accounts at the direction of the City Council or the City Manager, as the case may be, to ensure expenditure of principal, and all interest earned thereon, on public facilities necessitated or impacted by the rezoning. The expenditure of proffers accepted after July 1, 2005, shall be subject to the procedures and time constraints set out in Section 15.2-2303.2 of the Code of Virginia. All proffer expenditures must be approved by the City Council by appropriation.
3. Any City department, board, commission or agency which expends cash proffers shall be required to file a report with the City Manager, the Zoning Administrator and the Director of the Department of Planning providing details concerning the expenditure, including a description of the project, the capital improvement project number, if applicable, and the amount of the cash proffer used to fund the project.
- ~~3.~~ 4. All proffers shall constitute a part of the approved rezoning application. As such, a proffer is to be interpreted and enforced in the same manner as other zoning regulations. A violation of a cash proffer, and any other proffer, shall be deemed a violation of the Zoning Ordinance and shall be subject to all available means of enforcement and collection, including but

not limited to, criminal charges, injunctive relief, and denial of project approvals and permits.

APPROVED by the Council of the City of Chesapeake, Virginia, this 13th day of November, 2012.

**APPROVED:**

  
\_\_\_\_\_  
Mayor

**ATTEST:**

  
\_\_\_\_\_  
Clerk of the Council



**Exhibit A**

**Single-Family/Single-Family Detached Condominiums: \$4000**

Service Allocations	
Schools	989
Transportation	1817
Libraries	712
Emergency Services	482
<b>Total</b>	<b>4000</b>

**Single-Family Attached: \$3000**

Service Allocations	
Schools	131
Transportation	1581
Libraries	768
Emergency Services	520
<b>Total</b>	<b>3000</b>

**Multi-Family: \$2000**

Service Allocations	
Schools	28
Transportation	1090
Libraries	526
Emergency Services	356
<b>Total</b>	<b>2000</b>

**Age-Restricted Multi-Family: \$2000**

Service Allocations	
Schools	0
Transportation	255
Libraries	255
Emergency Services	1490
<b>Total</b>	<b>2000</b>